IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5220 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GEM PHARMACEUTICALS LTD.

Versus

JOINT COMMISSIONER (DRUGS) FOOD & DRUGS CONTROL ADMN.

Appearance:

MR ASIM J PANDYA for Petitioner No. 1-2

MR.MANGDE, AGP.for Respondent No. 1

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 19/06/2002

ORAL JUDGEMENT

1 Heard Mr.Ashim Pandya, learned Advocate appearing for the petitioner and Mr.Mengde, learned Assistant Government Pleader for the Respondent.

2. Rule.

Mr.Mangde appears and waives service of Rule for the respondent. At the request of the learned Advocates appearing for the parties the matter is taken up for final hearing today.

3 The petitioner, a Limited Company is manufacturing pharmaceuticals formulations and Ayurvedic preparations. It appears that the licence issued under the Drugs and Causmetic Act,1940 and relevant Rules expired on 31/12/2001 (as applicable to Ayurvedic preparations only). There is no dispute as regards pharmaeceuitcals formulations. Admittedly, the petitioner did not approach the licencing authority within the statutory period prescribed for renewal of the licence or extended period as prescribed in the rules. Therefore, the licence was deemed to be cancelled and stands cancelled accordingly as can be seen from communication dated 22/4/2002, Annexure "A" to the petition. Mr.Pandya submits that the petitioner is ready and willing to file application for issuance of fresh licence but the only request being that the respondent may be directed to allot the same licence number which has not yet been allotted to anybody else so as to avoid complications. It is further submitted that the petitioner shall approach with the application to the respondent authority for issuing fresh licence within a period of four days from today and the respondent authority may be directed to take action at the earliest. Mr.Mengde submits that as there is no power for renewal of licence and in case the same number is allotted to the fresh licence issued to the petitioner, it may be deemed to be renewal.

4 Having heard both the sides it is apparent that the petitioner has failed to comply with the necessary procedure and formalities prescribed for renewal of licence within the statutory prescribed time limit due to difficulties in its managerial cadre and the civil disturbances which took place during the months of March and April,2002. In these circumstances, it would be in the fitness of things if the petitioner makes a fresh application for fresh licence within a period of four days from today i.e. on or before 24.6.2002. The respondent authority shall consider the same favourably and dispose of the said application by completing necessary formalities of inspection etc. within a period of ten days, preferably from the date of the receipt of such application. If possible, the respondent authority may also consider to allot the same number to the petitioner so as to ensure smooth functioning of the petitioner company.

5 In light of what is stated hereinbefore the petition does not survive. Rule discharged. There shall be no order as to costs. Direct service permitted.

(D.A.Mehta, J)

m.m.bhatt